

PAULDING COUNTY PLANNING COMMISSION MEETING
March 28, 2023

The regular meeting of the Paulding County Planning Commission was held on March 28, 2023 in the Watson Government Administration Building. Planning Commission members in attendance were Chairman Jody Palmer; Roger Leggett; Jim Henson, Ellis Astin, Helene Fitzgerald, Jacob Wix and James Steele. Board of Commissioners Chairman Dave Carmichael, Commissioner Sandy Kaecher; Commissioner Virginia Galloway; Commissioner Brian Stover and County Attorney, J. Jayson Phillips were present. Staff in attendance included Community Development Director, Ann Lippmann; Planning and Zoning Division Manager Chris Robinson, Planning and Zoning Senior Administrative Assistant, Leah Wilson; Department of Transportation Director, George Jones; Department of Transportation Deputy Director, Erica Parish; Director of Operations, Scott Greene; and Deputy Rodney Schubert from the Paulding County Marshal Bureau.

Planning Commission Chairman Jody Palmer called the meeting to order at 2:00 PM.

Chairman Palmer requested everyone turn off or silence all audible devices.

Approval of Minutes

Jim Henson made a motion to adopt the Planning Commission meeting minutes from February 28, 2023; seconded by James Steele. Motion carried. (6-0-1).

FOR: Astin, Fitzgerald, Henson, Leggett, Steele and Wix

AGAINST: None

ABSTAIN: Palmer

Printed copies of the agenda and Conduct of Hearing were made available for the public.

Policy and Procedures state applicants and anyone speaking on behalf of the application will have fifteen (15) minutes to make their presentation and any opposition will also have fifteen minutes to present. The fifteen minutes are cumulative for each side. All comments are to be addressed to the Chairman.

It was explained this is a recommending body and any action taken today will be forwarded to the Board of Commissioners for final approval. The Paulding Board of Commissioners next meeting will be April 11, 2023 at 2:00 p.m.

Planning and Zoning Division Manager Chris Robinson announced applications **2023-10-Z** and **2023-06-SUP** have been forwarded to the next Planning Commission meeting to allow staff additional time to review.

Agenda Item Tabled from the February 28th meeting:

2023-01-SUP: Application by **DALLAS MEATH PROPERTIES, LLC**, requesting a Special Use Permit on 17.13 acres of I-2 (Heavy Industrial District) tract to operate a crushing and screening activities facility (earth material recycling). Property is located in Land Lot 1277; District 3; Section 3; north of Brooks Road and Old County Farm Road. **POST 4.**

Planning and Zoning Division Manager Chris Robinson noted staff recommends approval with the updated eight (8) stipulations.

With the public comment portion of the application taken place at the last meeting, Planning Commission, Board of Commissioners, Staff and attorney for the applicant (Joel Larkin) moved directly into a brief discussion regarding the updated stipulations, in which Mr. Larkin noted he agrees to all with the exception of number eight.

Roger Leggett noted for the record, a letter he received from animal control stating their opposition to the application.

Support/Input/Comments

There was no one to speak on behalf of the application.

Opposition/Input/Comments

There was no one with comments or concerns to the application.

Ellis Astin made a motion to **DENY** application **2023-01-SUP**, seconded by Jim Henson. Motion carried (4-3-0).

DENY: Astin, Henson, Leggett and Palmer
FOR: Fitzgerald, Steele and Wix
ABSTAIN: None

The recommendation will be forwarded for consideration to the Paulding Board of Commissioners' meeting on April 11, 2023 at 2:00 PM. Applicant must be present for it to be considered.

2023-04-Z: Application by **JERRY L. JOHNSON**, requesting to rezone the subject property from the B-1 (General Business District) tract portion to B-2 (Highway Business District) for the purposes of demolishing the existing gas station and constructing a new 5,100 square foot gas station & convenience store. Property is located in Land Lot 657; District 3; Section 3; at the northwest corner of the intersection of Cartersville Hwy (SR 61) and Braswell Mountain Road. Proposed project site address is 6821 Cartersville Hwy. **POST 4.**

Planning & Zoning Division Manager Chris Robinson stated staff recommends approval with five (5) stipulations.

Jerry Johnson, representing the owner, restated their intention to demolish the current A&R store and rebuild a 5,100 square foot gas-station and convenience store under the B-2 rezoning request. Mr. Johnson stated he is in conformance with the future land use plan, and has sought out surrounding land owners to address any concerns.

Mr. Johnson also stated he is agreeable to stipulations 1-3, however has some reservation regarding stipulations 4&5.

There was discussion between the Planning Commission, Staff and Mr. Johnson with regard to the traffic impact study stipulations.

Commissioner Virginia Galloway suggested to Mr. Johnson (and client) to consider no CO-AMs on the premises.

Support/Input/Comments

There was one individual to speak on behalf of the application.

Vicky H (Hersberger), current store employee with A&R, shared she would like to see a new store and does not believe it will bring any more traffic than what is already present.

Opposition/Input/Comments

There was no one with comments or concerns to the application.

James Steele motioned to **APPROVE** application **2023-04-Z** with the listed stipulations:

1. **Owner/Developer agrees to no other permitted uses in the B-2 Zoning District.**
2. **Owner/Developer agrees to no billboards on the site/property.**
3. **Owner/Developer acknowledges that access along SR 61 will be coordinated and approved by Georgia Department of Transportation.**
4. **Owner/Developer agrees to provide a traffic impact study for the development and coordinate with Paulding County DOT on methodology and parameters of study.**
5. **Owner/Developer agrees access to the development shall be determined during the plan review process based upon Traffic Impact Study.**
6. **Owner/Developer agrees to have no CO-AMs on the premises.**

Seconded by Roger Leggett. Motion carried (6-0-1).

FOR: Astin, Fitzgerald, Henson, Leggett, Steele and Wix
AGAINST: None
ABSTAIN: Palmer

The recommendation will be forwarded for consideration to the Paulding Board of Commissioners' meeting on April 11, 2023 at 2:00 PM. Applicant must be present for it to be considered.

2023-05-Z: Application by **JORDAN BRACKETT / HARMONY PASTURES LLC**, requesting to rezone approximately 118.15 acres from R-2 (Suburban Residential) to R-1 (Rural Residential) to develop a 78-lot residential subdivision with a minimum area of one acre. Property is located in Land Lots 1069, 1070, 1102 and 1139; District 19; Section 3; property is situated along the north and south side of Mulberry Rock Road. **POST 2.**

Planning & Zoning Division Manager Chris Robinson stated staff recommends approval with nine (9) stipulations. Staff did receive one call from a concerned neighbor regarding noise potentially affecting her livestock.

Jordan Brackett reiterated his intention to develop a 78-lot subdivision, which will include larger lot sizes and a nicer product. Mr. Brackett stated he is agreeable to all stipulations except number three.

There was discussion among Planning Commission, Board of Commissioners, Staff and the applicant referencing repetition of development regulations as stipulations in a zoning hearing and an analysis between R-1 (Rural Residential) vs R-2 (Suburban Residential) at the proposed site.

Mr. Jacob Wix presented data regarding the potential impact on surrounding schools whether the proposed development proceeded as R-1 or remained R-2.

Commissioners Brian Stover and Sandy Kaecher commended Mr. Brackett on wanting to keep the rural character of the County by building a nicer product on larger lots.

Support/Input/Comments

There was one individual to speak on behalf of the application.

Ron Holt, a resident, summarized the history of the Holt Road easement and stated any road improvements is a positive thing. Also, he believes the larger homes on larger lots is a positive thing.

Opposition/Input/Comments

There were several with comments or concerns to the application.

Denise Merritt, Toby Shadix, Jason Fields and Jacob Besso indicated they were not in opposition, rather voiced similar concerns relating to storm-water run-off / environmental issues.

Stefanie Davis praised Mr. Brackett for previous development projects, but did mention concerns regarding traffic turning left at Mulberry Rock Road and Rose's store.

Chairman Jody Palmer offered final comments regarding development regulations as stipulations.

There was a brief discussion as to buffer requirements in an R-1 zoning district; whether the applicant would offer a fence as a screening device or a natural undisturbed buffer.

James Steele made a motion to **APPROVE** application **2023-05-Z** removing stipulations #3 and #5:

- 1. Owner/Developer agrees to submit development plans for review to the Development Control Committee.**
- 2. Owner/Developer agrees access to the development shall be determined during the plan review process.**
- ~~**3. Owner/Developer agrees to install a left turn lane and right turn lane at the intersection of Mulberry Rock Road and Holt Road.**~~

4. **Owner/Developer agrees that full access onto Holt Road will be no closer than 200' from the beginning radius of Mulberry Rock Road.**
- ~~5. **Owner/Developer agrees to donate sufficient right of way along property frontage to accommodate a 50' right of way along Holt Road.**~~
6. **Owner/Developer agrees to improve the entirety of Holt Road to meet the requirements for an S-2 Residential Local Street without curb and gutter.**
7. **Owner/Developer agrees to donate sufficient right of way for a 25' miter at the intersection with Holt Road and Mulberry Rock Road.**
8. **Owner/Developer agrees that lots shall not derive access from Mulberry Rock Road.**
9. **Owner/Developer shall be responsible for incorporating horizontal traffic calming practices within the development, if required by PCDOT. All practices shall be approved by the Paulding County Department of Transportation and designed in accordance with the Institute of Transportation Engineers (ITE) Manual for Traffic Calming.**

Seconded by Jim Henson. Motion carried (6-0-1).

FOR: Astin, Fitzgerald, Henson, Leggett, Steele and Wix
AGAINST: None
ABSTAIN: Palmer

The recommendation will be forwarded for consideration to the Paulding Board of Commissioners' meeting on April 11, 2023 at 2:00 PM. Applicant must be present for it to be considered.

There being no further business, a motion to adjourn was made by James Steele; seconded by Helene Fitzgerald. Motion carried (6-0-1).

FOR: Astin, Fitzgerald, Henson, Leggett, Steele and Wix
AGAINST: None
ABSTAIN: Palmer

The meeting adjourned at 4:18 PM.

Jody Palmer, Chairman

Roger Leggett, Vice-Chairman